Message

From: Faeth, Lisa [Faeth.Lisa@epa.gov]
Sent: 12/26/2018 4:18:01 PM
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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

Details on Perfluorinated Chemicals' Health Study Expected Next Year

By Pat Rizzuto

Posted Dec. 24, 2018, 9:18 AM

The public and researchers can expect details over the next year about the the first national study of how perfluorinated chemicals could affect people's health.

Diacetyl Distributor Emoral to Be Part of 'Popcorn Lung' Trial

By Martina Barash

Posted Dec. 24, 2018, 11:09 AM

A former popcorn-plant worker has marshaled enough evidence against diacetyl distributor Emoral Inc. to let a jury decide its liability for the man's respiratory condition, a federal court ruled.

Details on Perfluorinated Chemicals' Health Study Expected Next Year

By Pat Rizzuto

Posted Dec. 24, 2018, 9:18 AM

The public and researchers can expect details over the next year about the the first national study of how perfluorinated chemicals could affect people's health.

Shutdown Christmas

Posted Dec. 24, 2018, 7:40 AM

By Chuck McCutcheon

'Twas the day before Christmas—and the shutdown continued.

Congressional leaders told lawmakers not to expect a vote on any budget deal before Thursday. That means one-quarter of the federal government, including the EPA and Interior Department, remains unfunded as the dispute over President Trump's border wall persists.

The EPA has enough leftover money to stay open this week, Acting Administrator Andrew Wheeler told employees in an email.

But "it's very possible" the shutdown could last into the new year, Mick Mulvaney, Trump's budget director and acting chief of staff, predicted yesterday.

Dean Scott is following the action; follow Dean on Twitter.

EU Chemical Regulators Spell Out Future Assessment Priorities

By Adam Allington

Posted Dec. 21, 2018, 3:52 PM

Hundreds of chemicals flagged for potential regulation will be getting the attention of European regulators, who must determine if they pose a risk to human health and the environment.

Newark Doesn't Have to Extend Water Filters for Lead

By Peter Hayes

Posted Dec. 21, 2018, 1:01 PM

The city of Newark, N.J., doesn't have to provide water filters to another borough after an environmental group and a teacher's organization failed to show lead contamination had extended beyond Pequannock.

Shutdown Is Nigh: What You Need to Know for EPA, Interior

By David Schultz

Posted Dec. 21, 2018, 12:55 PM

A partial government shutdown is appearing likely as Congress and the White House struggle to agree on funding for the president's U.S.-Mexico border wall.

INSIDEEPA.COM ARTICLES

Appellate Court Partially Grants EPA Request To Narrow TSCA Risk Suit

A federal appellate court has granted EPA's request to vacate and remand a provision in its Toxic Substances Control Act (TSCA) rule for evaluating risks of existing chemicals that would allow industry submitters to face criminal penalties for providing incorrect information.

Attorneys Query EPA's TSCA Prioritization Approach After Low Risk Finding

Industry attorneys are questioning the prioritization approach EPA used to select the first 10 chemicals EPA is assessing as part of its new Toxic Substances Control Act (TSCA) program for existing chemicals, arguing that the selection of Pigment Violet 29 (PV29), which appears to be a low-risk chemical, begs the question of how it could be deemed a priority.

Wheeler Seeks To Deflect Criticism Over Lead Plan's Lack Of New Rules

EPA Administrator Andrew Wheeler sought to deflect questions and criticism that the Trump administration's new plan for reducing children's exposures to lead lacks any new commitments to craft enforceable regulations, arguing that the agency's commitments to finalizing rulemaking efforts that are already underway are "new."

EPA's Toxics Office Faces Difficulty Meeting TSCA's 'Challenging' Deadlines

EPA's toxics office is grappling with meeting a series of steep deadlines that lawmakers imposed when they revised the Toxic Substances Control Act (TSCA) in 2016, a top official says.

Democrats Query EPA Over TSCA Asbestos Assessment, Regulation Plans

As EPA prepares to release its draft assessment of asbestos under the Toxic Substances Control Act (TSCA), congressional Democrats, who are seeking to ban the substance, are querying the agency's plans to assess and regulate asbestos risks in the wake of media reports detailing the presence of asbestos in talcum powder.

Democrats Launch Inquiry Into EPA Approval Of 'New' PFAS Under TSCA

Even as EPA grapples with how to manage past and ongoing releases of per- and polyfluoroalkyl substances (PFAS), House Democrats are pressing the agency to explain its actions in approving hundreds of "new" PFAS under its Toxic Substances Control Act (TSCA) authorities before they enter commerce.

EPA's TSCA 'Pre-Prioritzation' Plan Intensifies Critics' Data Concerns

Environmentalists and public health advocates are criticizing EPA's plan for how the agency proposes to identify existing chemicals for priority review under the revised Toxic Substances Control Act (TSCA), charging it continues the agency's ambivalence about requiring industry to provide more studies about their products.

Echoing MTBE, Panel Merges Scores Of PFAS Claims On Firefighting Foam

A federal panel on multidistrict litigation (MDL) has consolidated scores of personal injury, groundwater contamination and other suits against companies involved in producing firefighting foam that contained perfluorinated compounds, echoing the path courts took when they consolidated cases over groundwater contamination from the gasoline additive methyl tertiary butyl ether (MTBE).

Carper, Schumer Press EPA To Finalize Methylene Chloride Ban

Top Senate Democrats are urging acting EPA Administrator Andrew Wheeler to "immediately finalize" an Obama-era ban on the paint-stripper methylene chloride and renewing criticism of the Trump administration's implementation of the revised toxics law, highlighting issues likely to be raised during Wheeler's expected confirmation process.

EPA Says It Can Remain Open For 'Limited Period' During Likely Shutdown

EPA has sufficient funds to weather a short government shutdown with relatively minimal disruption to its operations, according to a new contingency plan and assurances from acting Administrator Andrew Wheeler sent to agency staff.

GREENWIRE ARTICLES

Trump, GOP leaders dig in ahead of shutdown

George Cahlink, Geof Koss and Nick Sobczyk, E&E News reporters Published: Friday, December 21, 2018

Senate Majority Leader Mitch McConnell (R-Ky.) and Appropriations Chairman Richard Shelby (R-Ala.) on the Hill this morning. President Trump summoned a group of Senate leaders to discuss the possible government shutdown. Tom Williams/CQ Roll Call/Newscom

Congressional negotiations to avert a government shutdown at midnight will intensify once the Senate blocks a House-backed spending plan opposed by Democrats.

The Senate is taking a procedural vote on moving forward with legislation to keep a host of agencies open through Feb. 8, while also providing billions in disaster dollars and $5.7 billion in border wall spending.

https://www.eenews.net/greenwire/2018/12/21/stories/1060110429

Come to work next week — Wheeler

Kevin Bogardus, E&E News reporter

Published: Friday, December 21, 2018

EPA headquarters in Washington. Robin Bravender/E&E News

EPA will be open next week, even if government funding runs out tonight.

Acting EPA Administrator Andrew Wheeler said in an internal email obtained by E&E News that the agency has enough funds left over to stay open. The federal government will undergo a partial shutdown heading into the holiday break if Congress does not approve new spending by midnight tonight.

Wheeler said EPA's contingency plan for a shutdown requires the agency to assess whether it has enough "carryover funds" to keep up operations if appropriations lapse.

"We have done that assessment and determined that EPA has sufficient carryover funds to operate for a limited period of time," Wheeler said in the email, which was sent to staff late yesterday afternoon.

https://www.eenews.net/greenwire/2018/12/21/stories/1060110419

GREAT BRITAIN

Statistic of the year: 90.5% of plastic is not recycled

Published: Friday, December 21, 2018

The world's burgeoning plastic waste crisis has won the attention of Britain's Royal Statistical Society, which chose 90.5 percent — the proportion of plastic waste that has never been recycled — as its international statistic of the year.

The society, which chooses a winner from nominations made by the public, picked the statistic, generated in a National Center for Ecological Analysis and Synthesis study based on the work of U.S. academics Roland Geyer, Jenna Jambeck and Kara Lavender Law that was published in *Science Advances*.

Public awareness of the problem has been growing, particularly after filmmaker David Attenborough's documentary "Blue Planet II" showed sea turtles shrouded in plastic, among other horrors.

https://www.eenews.net/greenwire/2018/12/21/stories/1060110393

CHEMICAL WATCH ARTICLES

US home improvement chain Lowe's adopts chemicals policy

Retailer says it will develop a framework to assess substances and manage risks

21 December 2018 / Alternatives assessment & substitution, Built environment, Retail, Substances of concern, United States

Home improvement retailer Lowe's has adopted a chemicals policy that focuses on the elimination and substitution of chemicals of concern.

The policy says that, while "regulations are being strengthened", certain chemical concerns remain unregulated and may impact the health and safety of its products. It does not include timelines, or name specific chemicals, but instead sets out a series of commitments. These are to:

- continue to adhere to applicable chemical regulations as they are strengthened to restrict substances of concern.
- continue to foster supply chain relationships and encourage suppliers to disclose chemicals
- strive to identify, reduce, and eliminate chemicals of concern and substitute them with safer alternatives wherever commercially feasible.
- actively drive the identification and availability of safer alternatives throughout its operations, including Lowe's stores and offices.
- improve its engagement with supply chain partners to ensure requirements are understood and acted upon in a reasonable timeframe.
- strive to enhance consumer confidence in the products by increasing the number of eco-products that incorporate safer chemicals.

The company's 2017 corporate responsibility report says substances it is in the process of phasing out from its product portfolio include formaldehyde, ortho-phthalates and VOC paints. The company was also one of the first major retailers to commit to a phase out of paint stripper containing methylene chloride and NMP.

The report also says Lowe's "actively governs products" where the company is the importer through audits, testing and inspections.

"Annually, Lowe's authorised third-party laboratories conduct product and transit/packaging tests to verify compliance with applicable industry standards or state and federal regulations," it adds

Assessment framework

To achieve its policy commitments Lowe's says it will develop a framework to assess substances and manage chemical risks. Chemical risks, its policy says, can be managed in several ways including:

- requiring disclosure of chemicals in Lowe's products;
- reducing or eliminating toxic chemicals from Lowe's products or packaging;
- better educating consumers on product safety; and/or
- driving innovation by encouraging suppliers to transition to safer alternatives and green chemistry solutions.

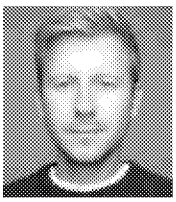
The company plans to review its policy on an annual basis and report progress in its annual corporate responsibility report.

Collaboration

In addition, to better understand and manage chemicals in its products, Lowe's also plans to collaborative with third-party experts, internal and external stakeholders, supply chain partners and consumers.

For example, the company has been working with the Green Chemistry and Commerce Council (GC3) since 2016 to address chemicals of concern.

Lowe's did not respond to Chemical Watch's request for more detail on the policy commitments by the time of publishing.



Leigh Stringer

Global Business Editor

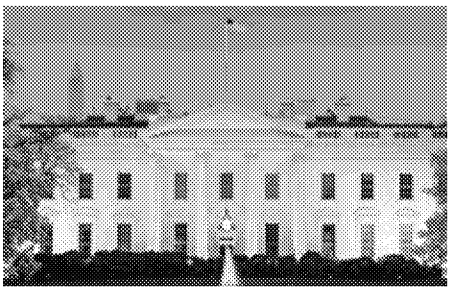
Further Information:

- Policy
- 2017 CSR report

US EPA to keep running despite government shutdown

Questions about long-term implications for TSCA implementation

24 December 2018 / TSCA, United States



The US government has partially shut down until Congress and President Trump can agree on a fiscal year 2019 budget. However, due to its carryover funds, the EPA will remain open for the week of 24 December.

The EPA's acting administrator Andrew Wheeler indicated as much in a 20 December message, but said that they will have to reevaluate if the shutdown is still in place on 28 December. If the EPA runs out of money at that point, it is likely that most agency activity — including activity related to the implementation of TSCA— will be put on hold.

EPA funding

The shutdown is the result of an impasse. Mr Trump has demanded that funding for a border wall is included in the budget - at a cost of approximately $5bn - and Democrats in the Senate have refused. Though Republicans retain a majority in the Senate, they would need a supermajority (60 votes) to pass the legislation without Democrats onboard. Mr Trump also refused to sign a continuing resolution, which would have been a way of kicking the decision down the road until February.

With no compromise forthcoming, the government shut down at midnight on 21 December. It is possible that it will last until 3 January, when a new session of Congress will begin — this time with a Democratic majority in the House of Representatives, making the border wall even more unlikely.

During a shutdown, all non-essential functions are stopped entirely. This means that employees are furloughed — sent home without pay — and those that are considered 'essential', such as law enforcement officers, homeland security employees, or firefighters, work without pay. Most functions in the EPA are considered non-essential.

The EPA has prepared a contingency plan outlining how it will proceed during a shutdown, which indicates that only 11 employees in the Office of Chemical Safety and Pollution Prevention are excepted from the shutdown. The office has 981 exempted staff members, who are only allowed to continue working if the remnants of the current budget carry over. In this case, it was determined that "the EPA has sufficient carryover funds to operate for a limited period of time."

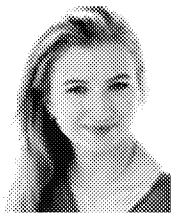
TSCA

If the EPA does shut down after 28 December, there are several TSCA-related activities that could be impacted — these are nonessential but time-sensitive. These include:

- the final versions of ten risk evaluations to be issued under the amended TSCA;
- the list of 20 high- and low-priority chemicals;
- pre-manufacturing notices (PMNs) and new chemical review more broadly;
- and the 'active inventory' of substances.

While none of these have explicit deadlines in the near future, many have soft deadlines for drafts or other action in January 2019, assuming the EPA plans to stick to the its statutory deadlines later in the year.

For instance, the EPA has a three-year statutory deadline for finalising the first ten risk evaluations for existing chemicals under TSCA, which ends December 2019. However, it may seek a single six-month extension. The first of these, for pigment violet 29, has received a preliminary determination of no unreasonable risk.



Lisa Martine Jenkins

Americas reporter

Related Articles

- EPA names first ten chemicals for new TSCA evaluations
- Details on TSCA prioritisation process taking shape
- First TSCA draft risk evaluation finds no unreasonable risk

Further Information:

- EPA contingency plan
- Message from acting administrator Wheeler

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